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In re Application of WILLIAMS et al :
U.S. Application No.: 10/571,518 :
PCT Application No.: PCT/US2004/030647 :
Int. Filing Date: 20 September 2004 : DECISION
Priority Date Claimed: 19 September 2003 :
Attorney Docket No.: 07961.105006 :
For: STABILIZED HALOPROPYNYL :
COMPOSITIONS AS PRESERVATIVES :
:

This is in response to the correspondence filed 22 May 2006, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 September 2004, applicant filed international application PCT/US2004/030647, which claimed priority of an earlier United States application filed 19 September 2003. The thirty-month period for paying the basic national fee in the United States expired on 19 March 2006.

On 10 March 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 May 2006, applicant filed the present request for status under 37 CFR 1.42 including executed declarations.

DISCUSSION

The declaration states that joint inventor Gareth Williams is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration executed by the legal representative of Gareth Williams is in compliance with 37 CFR 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 September 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 May 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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